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मध्यप्रदेश राजपत्र

प्राधिकार से प्रकाशित

क्रमांक 30]

भोपाल, शुक्रवार, दिनांक 23 जुलाई 2021—श्रावण 1, शक 1943

भाग ४

विषय-सूची

- | | | |
|----------------------------|-------------------------------|----------------------------------|
| (क) (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) (1) अध्यादेश, | (2) मध्यप्रदेश अधिनियम, | (3) संसद् के अधिनियम. |
| (ग) (1) प्रारूप नियम, | (2) अन्तिम नियम. | |

भाग ४ (क)—कुछ नहीं

भाग ४ (ख)

अध्यादेश

विधि और विधायी कार्य विभाग

Bhopal, the 13th July 2021

No. 8180-213-XXI-A (Dr.).—The following Ordinance promulgated by the President of India published in the Gazette of India Extra-ordinary Part II, Section I dated the 30th June, 2021 is hereby republished for general information.

By order and in the name of the Governor of Madhya Pradesh,
RAJESH YADAV, Addl. Secy.

THE ESSENTIAL DEFENCE SERVICES ORDINANCE, 2021

No. 7 OF 2021

Promulgated by the President in the Seventy-second year of the Republic of India.

An Ordinance to provide for the maintenance of essential defence services so as to secure the security of nation and the life and property of public at large and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Essential Defence Services Ordinance, 2021. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2.(1) In this Ordinance, unless the context otherwise requires,— Definitions.

(a) “essential defence services” means —

(i) any service in any establishment or undertaking dealing with production of goods or equipment required for any purpose connected with defence;

(ii) any service in any establishment of, or connected with, the armed forces of the Union or in any other establishment or installation connected with defence;

(iii) any service in any section of any establishment connected with defence, on the working of which the safety of such establishment or employee employed therein depends;

(iv) any other service, as the Central Government may, by notification in the Official Gazette, declare to be essential defence services, the cessation of work of which would prejudicially affect the —

(I) production of defence equipment or goods; or

(II) operation or maintenance of any industrial establishment or unit engaged in production of goods or equipment required for any purpose connected with defence; or

(III) repair or maintenance of products connected with defence;

(b) "strike" means the cessation of work, go-slow, sit down, stay-in, token strike, sympathetic strike or mass casual leave, by a body of persons engaged in the essential defence services, acting in combination or a concerted refusal or a refusal under a common understanding of

any number of persons who are or have been so engaged to continue to work or to accept employment, and includes—

(i) refusal to work overtime, where such work is necessary for the maintenance of the essential defence services;

(ii) any other conduct which is likely to result in, or results in, cessation or retardation or disruption of work in the essential defence services.

14 of 1947. (2) Words and expressions used herein and not defined but defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act.

3. (1) If the Central Government is satisfied that in the—

- (a) public interest; or
- (b) interest of the sovereignty and integrity of India; or
- (c) security of any State; or
- (d) public order; or
- (e) decency; or
- (f) morality,

Power to prohibit strikes in essential defence services.

it is necessary or expedient so to do, it may, by general or special order, prohibit strikes in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by such order.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order, extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order made under sub-section (1) —

- (a) no person engaged in the essential defence services shall go or remain on strike;

- (b) any strike declared or commenced, whether before or after the issue of such order, by persons engaged or employed in such services shall be illegal.

4. Where any order has been issued under sub-section (1) of section 3, any police officer may take all such measures as such officer may deem fit including the use of police force, if he considers necessary, to remove any person, whose presence in any area connected with the—

Removal of persons.

- (a) defence equipment production services; or
 (b) operation or maintenance of any industrial establishment or unit engaged in production or manufacturing of goods or equipment required for any purpose connected with defence; or
 (c) repair or maintenance of products connected with defence,

would be prejudicial to the functioning, safety or maintenance of the essential defence services.

5. (1) Any person —

- (a) who commences a strike which is illegal under this Ordinance or goes or remains on, otherwise takes part in, any such strike; or
 (b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,

Dismissal of employees participating in illegal strikes.

shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

(2) Notwithstanding anything contained in any other law for the time being in force or under the terms and conditions of service applicable to any person employed in the essential defence services, before dismissing any person under sub-section (1), no inquiry shall be necessary if the authority empowered to dismiss or remove such person is satisfied that for some reason,

to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry.

6. Any person, who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both. Penalty for illegal strikes.

7. Any person, who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifteen thousand rupees, or with both. Penalty for instigation, etc.

8. Any person, who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to fifteen thousand rupees, or with both. Penalty for giving financial aid to illegal strikes.

9.(1) If the Central Government is satisfied that in the— Power to prohibit lock-outs in any industrial establishment or unit engaged in essential defence services.

- (a) public interest; or
- (b) interest of the sovereignty and integrity of India; or
- (c) security of any State; or
- (d) public order; or
- (e) decency; or
- (f) morality,

it is necessary or expedient so to do, it may by general or special order, prohibit lock-outs in the industrial establishments or units engaged in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by such order.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order

extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no employer engaged in the essential defence services shall commence any lock-out; and

(b) any lock-out declared or commenced, whether before or after the issue of such order, by any employer engaged in the essential defence services shall be illegal.

(5) Any employer of an industrial establishment or unit engaged in the essential defence services, who commences, continues, or otherwise acts in furtherance of a lock-out which is illegal under this section, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

10. (1) If the Central Government is satisfied that in the—

- (a) public interest; or
- (b) interest of the sovereignty and integrity of India; or
- (c) security of any State; or
- (d) public order; or
- (e) decency; or
- (f) morality,

Power to prohibit lay-off in any industrial establishment or unit engaged in essential defence services.

it is necessary or expedient so to do, it may, by general or special order, prohibit lay-off, on any ground other than shortage of power or natural calamity, of any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of any industrial establishment or unit engaged in the essential defence services.

(2) An order made under sub-section (1) shall be published in such manner as the Central Government may deem fit to bring it to the notice of the persons affected by the order.

(3) An order made under sub-section (1) shall be in force for six months, but the Central Government may, by a like order, extend it for any period not exceeding six months, if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an order under sub-section (1),—

(a) no employer in relation to an establishment to which such order applies shall lay-off or continue the lay-off any workman (other than a *badli* workman or a casual workman) whose name is borne on the muster rolls of any industrial establishment or unit engaged in the essential defence services, unless such lay-off is due to shortage of power or natural calamity, and any laying-off or continuation of laying-off shall, unless such laying-off or continuation of laying-off is due to shortage of power or natural calamity, be illegal;

(b) a workman whose laying-off is illegal under clause (a) shall be entitled to all the benefits under any law for the time being in force as if he had not been laid-off.

(5) Any employer, of an industrial establishment or unit engaged in the essential defence services, who lays-off or continues the laying-off of any workman shall, if such laying-off or continuation of laying-off is illegal under this section, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

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|------------|--|----------------------------------|
| 2 of 1974. | 11. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected to have committed any offence under this Ordinance. | Power to arrest without warrant. |
| 2 of 1974. | 12. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Ordinance shall be tried in a summary way by any Metropolitan Magistrate or any Judicial Magistrate of the first class, specially empowered in this behalf | Offences to be tried summarily. |

by the State Government and the provisions of sections 262 to 265 (inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for such Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Ordinance.

- | | | |
|-------------|--|--|
| 2 of 1974. | 13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences punishable under this Ordinance shall be cognisable and non-bailable. | Cognizance of offences. |
| | 14. Any reference in this Ordinance to any law which is not in force in any area and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law. | Reference of other laws in certain areas. |
| | 15. No suit, prosecution or other legal proceedings shall lie against the Central Government or any officer for anything which is in good faith done or intended to be done under this Ordinance. | Protection of action taken in good faith. |
| 14 of 1947. | 16. The provisions of this Ordinance and of any order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force. | Ordinance to override other laws. |
| | 17. In the Industrial Disputes Act, 1947, in section 2, in clause (n), in sub-clause (ia), for the words "or dock", the words "or dock or any industrial establishment or unit engaged in essential defence services" shall be substituted. | Amendment of Act 14 of 1947. |
| | 18. Every notification issued under this Ordinance shall be laid, as soon as may be after it is made or issued, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in such notification or both Houses agree that the notification should not be issued, the notification shall thereafter have effect only in such | Laying of notifications before Parliament. |

modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

RAM NATH KOVIND,
President.

ANOOP KUMAR MENDIRATTA,
Secretary to the Govt. of India.

भाग ४ (ग)
प्रारूप नियम
उच्च न्यायालय, मध्यप्रदेश, जबलपुर

No. D-2121

Jabalpur, the 03 July 2021

In exercise of the powers conferred by sub-section (1) of section 28 of the Right to Information Act, 2005, the Chief Justice of Madhya Pradesh High Court (Competent Authority), hereby makes the following rules:-

RULES

1. SHORT TITLE AND COMMENCEMENT :-

- (1) These rules may be called the Subordinate Courts of Madhya Pradesh (Right to Information) Rules, 2020.
- (2) They shall come into force from the date of their publication in the Official Gazette.

2. DEFINITIONS :-

- (1) In these rules, unless the context otherwise requires :-
 - (a) 'Act' means the Right to Information Act, 2005 (No. 22 of 2005);
 - (b) 'Appellate Authority' means designated as such by the Chief Justice of High Court of Madhya Pradesh for Subordinate Courts of Madhya Pradesh;
 - (c) 'Authorized Person' means Public Information Officer and Assistant Public Information Officer designated as such by the High Court;
 - (d) 'Form' means the form appended to these rules;
 - (e) 'Section' means a Section of the Act.
- (2) Word and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.

3. APPLICATION FOR SEEKING INFORMATION :-

- (1) Any person seeking information under the Act shall make an application in Form 'A' to the authorized person and deposit application fee as per Rule 7 with the authorized person. The authorized person shall duly acknowledge the application as provided in Form 'B'. Application can also be made online through the website of Madhya Pradesh High Court.

The acknowledgment of such online application shall be provided online and by SMS.

- (2) Every application shall be made for one particular item of information only.
- (3) The Public Authority shall maintain a register / online status, which shall contain the information shown in Form 'C';

4. DISPOSAL OF APPLICATION BY THE AUTHORIZED PERSON:-

- (1) If the information sought by an applicant is held by another public authority or the subject matter of which is more closely connected with the functions of another public authority, such application or such part of it shall be transferred to that public authority, and the applicant shall be informed about the transfer of his application to that Public Authority. Such transfer of application shall be made within five days from the date of receipt of the application. The application received online may be transferred to another Public Authority by Online /Offline mode as the case may be.
- (2) If the requested information falls within the authorized person's, jurisdiction and also in one or more of the categories of restrictions listed in Sections 8 and 9 of the Act, the authorized person, on being satisfied, will issue the rejection order in Form 'E' as soon as practicable, normally within fifteen days and in any case not

later than thirty days from the date of the receipt of the application. The application fee deposited in such cases shall not be refunded.

Provided that in case of online application 'Rejection Order' may be issued online

- (3) If the requested information falls within the authorized person's jurisdiction, but not in one or more of the categories listed in Section 8 and 9 of the Act. The authorized person, on being so satisfied, shall supply the information to the applicant in **Form 'F'**, falling within its jurisdiction, in case the information sought is partly outside the jurisdiction of the authorized person or partly falls in categories listed in Sections 8 and 9 of the Act. The authorized person shall supply only such information as is permissible under the Act and is within its own jurisdiction and reject the remaining part giving reasons thereof.
- (4) The information shall be supplied as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application on deposit of the balance amount, if any, to the authorized person. In case of online application, the information may be supplied online wherever possible.

5. APPEAL :-

- (1) Any person -
 - (a) who fails to get a response in **Form 'D'** or **Form 'E'** from the authorized person within thirty days of submission of **Form 'A'**, or
 - (b) is aggrieved by the response received within the prescribed period, may file an appeal in **Form 'G'** to the Appellate Authority and deposit fee for appeal as per Rule 7 with the

Appellate Authority. An appeal before the Appellate Authority may be presented online if facility is available.

- (2) On receipt of the Appeal, the Appellate Authority shall acknowledge the receipt of the appeal and after giving the appellant, an opportunity of being heard, shall dispose of the appeal within 30 days of the receipt of the appeal or within such extended period not exceeding 45 days from the date of filing thereof, as the case may be and shall send a copy of the order to the appellant and the Authorized Person.
- (3) In case the appeal is allowed, the information shall be supplied to the applicant by the authorized person within such period as ordered by the Appellate Authority. This period shall not exceed thirty days from the date of the receipt of the order.
- (4) The Appellate Authority shall maintain a register/online status in his office, which shall contain the information shown in Form 'H' :-

6. SUO MOTU PUBLICATION OF INFORMATION BY PUBLIC AUTHORITIES :-

- (1) The public authority may publish information as per sub-section (1) of Section 4 of the Act by publishing booklets and/or folders and/or pamphlets and update these publications every year as required by sub-section (1) of Section 4 of the Act.
- (2) Such information may also be made available to the public through information counters, medium of internet and display on notice board at conspicuous places in the office of the authorized person and office of the appellate authority.

7. CHARGING OF FEE :-

- (1) The Authorized Person shall charge the fee in the form of non-judicial stamp or by Treasury Challan (Including Cyber Treasury Challan) under Treasury Head "0070 Other Administrative

Services or payment through Online portal (www.mphc.gov.in/e-rti) at the following rates, namely :-

(A) Application Fee :-

- (i) Information relating to tenders Documents/bids/ quotation/business contract : Five hundred Rupees per application.
- (ii) Information Other than (i) above Fifty Rupees per application.

(B) Other Fees :-

Sr. No.	Description of Information	Price/Fee in Rupees
1.	Where the information is available in the form of a priced publication.	Price of the publication so fixed.
2.	For other than priced publication rupees.	Five Rupees per page in case of document and cost price in case of other medium.
3.	For the inspection of record (other than Judicial Record).	Twenty Five Rupees per hour or a fraction thereof for every record inspected but shall not be less than twenty five rupees in any case.

- (2) The Appellate Authority shall charge a fee of Rs. 50/- per appeal to be paid in the form of non-judicial stamp or by Treasury Challan (Including Cyber Treasury Challan) under Treasury Head "0070 Other Administrative Services or through Online portal (www.mphc.gov.in/e-rti).

Provided that no such fee shall be charged from the persons who are of below poverty line as may be determined by the State Government.

8. (1) The State Public Information Officer shall not be liable to provide any information which can be obtained under the provisions of Chapter XXIII of Civil Court Rules, 1961 and Chapter XXVI of Rules and Orders (Criminal).
- (2) The Appellate Authority shall not entertain any application from any person to inspect a record which can be inspected under the provisions of Chapter XVII of Civil Court Rules, 1961 and Chapter XXI of Rules and Orders (Criminal).

Form 'A'
Form of application for seeking Information
[See Rule 3(1)]

I.D. No....

● ● ● ● ● ● ● ●

(For official use)

To

The Authorized Person.

.....

**Self Attested
Photograph**

- [illegible]

(ii) Period for which
information asked

for :-

(iii) Other details, if any. :-

4. I state that the information sought does not fall within the restrictions contained in Section 8 & 9 of the Act and to the best of my knowledge it pertains to your office.

5. Application fee Rs. has been enclosed herewith in the form of Non-Judicial Stamp/Treasury Challan No..... dated / paid online, receipt attached.

Place :-

Signature of Applicant

Date :-

E-mail address (if any)

Telephone No. (Office)

(Residence)

Note:-

- (i) Reasonable assistance can be provided by authorized person in filling up the Form "A".
- (ii) Please ensure that the Form 'A' is complete in all respect and there is no ambiguity in providing the details of information required.

Form 'B'
Acknowledgement of Application in Form 'A'
[See Rule 3(1)]

I.D. No.....

Dated

1. Received an application in Form 'A' from Shri/Smt./Ku.
..... Resident of under
Section of the Right to Information Act, 2005.
2. The information is proposed to be given normally within fifteen days and
in any case within thirty days from the date of receipt of application. In
case it is found that the information asked for cannot be supplied, the
rejection letter shall be issued stating reason thereof.
3. The applicant shall have to deposit the balance fee, if any, with the
authorized person before collection of information.

Place:-

Date:-

Signature and Stamp of the
Authorized person

Form 'C'
Register of Public Authority
[See Rule 3(3)]

Registration number of application	Date of receipt of application	Name and address of the applicant	Date of appearance of the Applicant	Description of required information
1	2	3	4	5

Source of information	Date of transmission of application to concerning office	Date of receipt of information	Date of disposal of application	Conclusion of public information officer on the application
6	7	8	9	10

Description of fees charged on the application	Signature of the Applicant	Order of First Appeal	Order of Second Appeal	Remarks
11	12	13	14	15

Form 'D'
Outside the jurisdiction of the authorized person
[See Rule 5(1)(a)]

From,

Special Public Information Officer

To, (Public Authority/P.I.O)

Sub.- Application under R.T.I. Act, 2005.

Sir/Madam,

.....,

.....

A copy of application dt. received by under-signed and registered as I.D. No..... dated from is transferred u/s 6(3) of the Right to Information Act, 2005 on point no / or in to for appropriate action at your end and the information if admissible, may be provided directly to the applicant under intimation to the under-signed.

In case, it does not fall under your jurisdiction, the same be further transferred to the concerned Public Authority under intimation to the Applicant.

The applicant has deposited the requisite application fee in this Registry.

Encl - As above.

Authorized person

Copy to: with the request to contract the above Authority for further information in the matter.

Authorized person

Form 'E'
Rejection Order
[See Rule 5(1)(a)]

No. /

Dated

To,

Sir/Madam,

.....,
.....,
.....,

Please refer to your application, I.D. No. dated
..... addressed to the undersigned regarding supply of
information on

(1) The information asked for cannot be supplied due to following
reasons:-

- (i)
(ii)

(2) As per Section 19 of the Right to Information Act, 2005, you may
file an appeal to the Appellate Authority within thirty days of the
issue of this order.

Yours faithfully,

Authorized Person

Form 'F'
Form of Supply of Information to the Applicant
[See Rule 4 (3)]

No...../

Date.....

To,

Sir/Madam,

.....,

.....,

.....,

Please refer to your application, I.D. No dated
 addressed to the undersigned regarding supply of information on

1. The information asked for is enclosed for reference *

Or

The following part information is being enclosed *

(i)

(ii)

The remaining information about the other aspects cannot be supplied due
 to following reasons:-*

(i)

(ii)

(iii)

2. The requested information does not fall within the jurisdiction of this
 authorized person.*
3. As per Section 19 of the Right to Information Act, 2005, you may file an
 appeal to the Appellate Authority within thirty days of the issue of this
 order.*

Yours faithfully

Authorized Person

* Strike out if not applicable.

Form 'G'
Appeal under Section 19 of the Right to Information Act, 2005
[See Rule 5(1)(b)]

I.D No.....

(For Official use)

To,

The Appellate Authority,

Address:-.....

1. (a) Name of the Applicant :-
- (b) Father's Name :-
- (c) Age :-
- (d) Occupation :-
2. Address :-
.....
.....
3. Particulars of the authorized Person-
(a) Name :-
- (b) Address :-
4. Date of Submission of application in Form 'A' :-
5. Date on which 30 days from submission of Form 'A' is over :-
6. Reasons for appeal:
(a) No response received in Form-B or C within thirty days of submission of Form A [5 (1)(a)]. :-
.....

(b) Aggrieved by the response received within prescribed period [5(1)(b)] (Copy of the reply receipt be attached).

:-

.....

.....

(c) Grounds for appeal.

:-

.....

.....

.....

.....

.....

.....

7. Last date for filling the appeal. :-

.....

[See Rule 5(3)]

8. Particulars of Information –

(i) Information requested :-

:-

.....

.....

.....

.....

.....

.....

(ii) Subject

:-

.....

(iii) Period

:-

.....

9. A fee of Rs. 50/- for appeal has been enclosed herewith in the form of Non-Judicial Stamp/Treasury Challan No..... dated / paid online, receipt attached.

Place :-

Date:-

Signature of Appellant.....

E-mail address, if any.....

Telephone No. (Office).....

(Residence) No.....

Mobile No.

ACKNOWLEDGMENT

I.D. No. dated

Received an Appeal application from Shri/Ms.
 resident of under Section 19 of the Right to Information Act,
 2005.

Signature of Receipt Clerk.....
Appellate Authority.....
Telephone No.
E-mail Address / Web Site.....

Form 'H'
Format of Register for registration of Appeal
[See Rule 5(4)]

Registration number of application	Name & Particulars of the Appellant / Applicant	Name & Particulars of the Respondent / Non-Applicant	Particulars of the Order of the Public Information Officer against which appeal filed	Date of Order
1	2	3	4	5

Finding	Remark
s	s
6	7

No. D-2123

In exercise of the powers conferred by sub-section (1) and (2) of Section 39 of Gram Nyayalayas Act, 2008, the High Court of Madhya Pradesh, do hereby makes the following amendments in Madhya Pradesh Gram Nyayalayas Rules, 2013, namely:-

AMENDMENTS

In the said rules;

1. After Rule 10, the following Rule shall be added, namely;

“10-A. Conciliation:-

Gram Nyayalaya shall initially endeavour to bring an amicable settlement between the parties.

After appearance of the parties, or at any appropriate stage thereafter, where it is possible to do so consistent with the nature and circumstances of the case, the Nyayadhikari shall persuade, the parties for conciliation.

Furthermore, if, Nyayadhikari is of the view at any stage of the case that there is reasonable possibility of a settlement between the parties, he shall refer the matter to one or more conciliator for effecting the settlement between the parties and adjourn the proceeding for such period as he deems fit to make attempt for settlement.

Conciliator shall submit his report within three weeks from the date of his appointment, unless the time period is extended by the Nyayadhikari.

If the parties arrive at a settlement before the conciliator relating to the suit, claim or dispute any part thereof, such settlement shall be reduced to writing, signed by both the parties and countersigned by the conciliator.”

2. In Rule 11;

- (i) In the beginning of Rule 11, the heading **“Qualification of Conciliators:-”** shall be inserted.
- (ii) In Rule 11(c)(i)(A), the figure “40” shall be replaced by the figure “25”.
- (iii) In Rule 11(c)(i), after (C), the following shall be inserted, namely;

“OR

- (D) Community mediation volunteers of the local area.

OR

- (E) Any peoples representative of the Gram Panachayat.

OR

- (F) Institution, which are themselves experts in conciliation and have been recognized as such by the District Magistrate.

OR

- (G) Any person of the locality who may be a trained Conciliator.

OR”

- (iv) After inserting aforesaid sub-clause (G), sub-clause “(D)” shall be renumbered as “(H)”.
- (v) After Rule 11 (c)(ii)(E), following shall be inserted:-
 - “(iii) All the Conciliators as empanelled shall normally be for a period of 3 years from the date of empanelment and further, extension of

their tenure shall be at the discretion of the District and Session Judge of concerning District.

(iv) In exceptional cases, the Gram Nyayadhikari may also appoint a Conciliator who is not necessarily from the panel of Conciliators nor bear the qualifications but should not be a person who suffers from the disqualifications referred to in Rule 11.

(v) If any empanelled conciliator incurs any disqualification he can be removed from the empanelment after issuance show-cause notice and receipt of reply within 7 days, if any, by the empanelling authority / appointing authority.”

3. After Rule 18, the following Rules 19,20,21,22,23,24,25, and 26 shall be added, namely;

“19. Ethics and code of conduct for Conciliator:

The Conciliator shall follow and observe these Rules strictly and with due diligence.

- (1) Not indulge in conduct unbecoming of a conciliator.
- (2) Up hold the integrity and fairness of the Conciliation process.
- (3) Ensure that the parties involved in the Conciliation are fairly informed and have an adequate understanding of the procedural aspects of the Conciliation process.
- (4) While communicating with the parties avoid any impropriety or appearance of impropriety.

- (5) The conciliator must avoid conciliating in cases where they have direct personal, professional or financial interest in the outcome of the dispute. If the conciliator has any indirect interest, he is bound to disclose to the parties such indirect interest at the earliest opportunity and he shall not conciliate in the case unless the parties specifically agree to accept him as conciliator, despite such indirect interest.
- (6) Where the conciliator is an advocate, he shall not appear for any of the parties in respect of the dispute which he had conciliated.
- (7) Conciliators have a duty to know the limits of their competence and ability in order to avoid taking on assignments which they are not equipped to handle.
- (8) Conciliators have a duty to remain neutral throughout the Conciliation.
- (9) Conciliators must respect the voluntary nature of Conciliation and must recognize the rights of the parties to withdraw from the Conciliation at any stage.
- (10) Conciliation being confidential in nature, a conciliator shall be faithful to the confidentiality reposed in him.
- (11) Conciliator has a duty to encourage the parties to make their own decisions both individually and collectively about the resolution of the dispute, rather than imposing his own ideas on the parties. Self

determination is the essence of the Conciliation process.

- (12) Settlement of dispute must be based on informed consent.
- (13) Conduct all proceeding relating to the resolution of dispute in accordance with the law.
- (14) Conciliator must refrain from promises or guarantee of results.

20. Gram Nyayalaya to dispose of proceedings:

- (1) Upon submission of the report by the Conciliator / Conciliators, the Gram Nyayalaya shall take up the matter for hearing on a date fixed therefor and shall pronounce the judgment or order in terms thereof unless it considers the terms of the settlement unconscionable or illegal.
- (2) If on the date fixed for hearing parties or any one of them fail to appear, the Gram Nyayalaya shall proceed to dispose of the proceeding in one of the modes prescribed in that behalf under Order IX of the Code of Civil Procedure and pass such order as it deems fit.
- (3) If the parties do not settle their dispute, or where the terms of settlement appears to be unconscionable or illegal, the Gram Nyayalaya shall proceed to hear and dispose of the matter on merits in accordance with law.

21. Place of sitting:

The place of sitting shall be as directed by the Gram Nyayadhikari, taking into consideration, the convenience of the parties.

22. Control:

Conciliator will work under the control of the Gram Nyayadhikari of that area.

23. Records:

The Gram Nyayadhikari will maintain the register of all matters referred and response received from the Conciliators.

24. Remuneration:

The remuneration shall be paid as prescribed by the State Government.

25. Training:

The Conciliators will be imparted with 20 Hrs. training by MPSLSA. The Volunteers / Conciliators will be taught basic concept of conciliation to be enabled them to act as Conciliator.

26. Duty of Conciliator to disclose certain facts:

- (1) When a person is approached in connection with his proposed appointment as Conciliator, he shall disclose any circumstances likely to give rise to a reasonable doubt as to his independence or impartiality.
- (2) Every Conciliator shall from the time of his appointment and throughout continuance of the conciliation proceedings, without delay, disclose to the parties, about the existence of any circumstance referred to in sub-rule (1)."

REGISTRAR GENERAL